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Pearl River, NY 10965

# Wyeth

## F A C S I M I L E

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15 DEC 2006

Legal Staff  
International Division

Date: December 15, 2006

Number of pages (including cover): 5

To: Richard M. Ross

Office of PCT Legal Administration

Telephone: 571 272-3296

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CC:

From: Carol E. Rozek

Department: Patent Law, Pearl River

Telephone: (845) 602-4760

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☐ Urgent

☐ For your review

☐ Please reply asap

☐ Please comment

#### Remarks:

Re: U.S. Application No. 10/583,014  
Decision of Petition  
Our Number AM101242

See Attached.

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PTO/SB/64 (09-06)

Approved for use through 03/31/2007. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

AM101242

First named inventor: ALLIKMETS, Ene

Application No.: 10/583,014

Art Unit:

Filed: December 10, 2004

Examiner:

Title: SERUM-FREE VERO CELL BANKING PROCESS

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m)) Charge to Deposit Account Number 01-1425

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of a response to Decision on Petition (identify type of reply):

☐ has been filed previously on \_\_\_\_\_  
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_

☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Carol E. Rozek  
Signature

12/15/06  
Date

Carol E. Rozek  
Typed or printed name  
Wyeth  
Five Giralda Farms

36,993  
Registration Number, if applicable

845 602-4760

Address

Telephone Number

Madison, NJ 07940

Address

Enclosures: ☒ Fee Payment Charge to Deposit Account 01-1425☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other: \_\_\_\_\_**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

12/15/06  
Date

Rose Ann Jastrow  
Signature

Rose Ann Jastrow

Typed or printed name of person signing certificate

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/583,014 Confirmation No. 9750  
Int'l Filing Date: December 10, 2004  
Applicant : Allikmets, et al.  
TC/A.U. : Not yet assigned  
Examiner : Not yet assigned  
Docket No. : AM101242  
Customer No. : 25291

December 15, 2006

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR  
PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Sir:

On October 2, 2006, the United States Designated/Elected Office mailed a Notification of Abandonment indicating that the above-identified application was abandoned for allegedly failing to provide the "full U.S. Basic National Fee by 30 months." Specifically, the Notification indicated that the deposit account provided by Applicants was invalid.

On November 16, 2006, Applicants filed a petition to revive the application. Applicants had determined that the invalid deposit account was the result of a typographical error and requested that the basic national fee be charged to the correct deposit account.

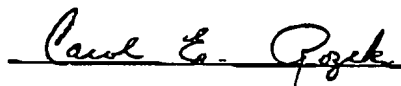
On December 8, 2006, the Office of PCT Legal Administration dismissed Applicants' petition, which was handled as a petition to withdraw abandonment, because the fact remained "that a valid form of payment of the basic national fee was not filed in the USPTO prior to the expiration of the thirty-month deadline."

In response, Applicants are filing herein a petition to revive the present application, with all required elements, including the petition fee. See completed Form

Application No. 10/583,014  
Response dated December 15, 2006  
Response to Decision of Petition mailed 12/8/06

PTO/SB/64. Applicants request that the basic national filing fee be charged to deposit account 01-1425, and that Applicants' petition be granted.

Respectfully submitted,



Carol E. Rozek  
Reg. No. 36,993

Wyeth  
Patent Law Department  
Five Giralda Farms  
Madison, NJ 07940  
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12/18/2006 SBASHEIR 00000001 011425 10583014  
01 FC:1453 1500.00 DA  
02 FC:1631 300.00 DA